

Species 1: Figures 11 and 12;
Species 2: Figure 13;
Species 3: Figure 14; and
Species 4: Figure 15.

The Office Action states that claims 1-8 and 17-20 appear to be generic. Applicants are also required to list all claims readable on the elected species.

In response, Applicants hereby elect Species 1, the embodiment represented by Figures 11 and 12. Applicant believes that claims 1-13 and 15-20 are readable on Species 1. Additionally, Applicant believes that claims 9, 15 and 16 are generic and read on all species, in addition to generic claims 1-8 and 17-20 listed in the Office Action. Applicant further notes that claims 10-13, 15 and 16 depend on generic claim 9, and that the embodiments having a bend in at least one blade (as claimed in claim 14 and disclosed in Figs. 14, 15 and 16) have chip spaces according to claim 9. Claim 16 refers to chip removal channels in the shank, which are described in connection with Figure 12.

The foregoing is submitted as a full and complete Response to the Election of Species mailed August 21, 2007, and early and favorable consideration of the claims is requested. Applicant notes that in paragraph 6, the Office Action states that a specific improvement of the subject matter of claims 9-16 over the prior art is requested to be stated. Additionally, the Office Action requires Applicant to state if any of the claimed tools were "bought off the shelf". Applicant has never received such a requirement in a Restriction Requirement, and is unsure how it can be a requirement to state specific improvements over the prior art when no Office Action on the Merits has been received, and thus no indication of the relevance of the prior art listed on the Notice of References Cited has been given. Applicants claims are in indication of what is felt to be an improvement over the prior art known at the time of filing the application. With respect to the requirement to state if tools were "bought off the shelf", it is not understood how this is relevant to patentability, when the claims relate to a drilling device and are all dependent upon claim 1. If an independent claim is found to be allowable over the prior art, then all dependent claims are also allowable because they contain all of the features of the allowable claim. Nevertheless, it should

Response to Restriction Requirement dated December 11, 2006

be noted that paragraphs [010] to [012] of the specification discuss blades and chip spaces which are known and differences to the tools of the present application, in addition to the disclosure in connection with Figs. 11 to 16 of the application. It is believed that the specification clearly outlines what is known in the prior art. Applicant has also complied with the requirements to disclose material that may be relevant to patentability, by submitting Information Disclosure Statements.

Withdrawal of the outstanding restriction requirement under 35 U.S.C. §121, and examination on the merits is respectfully requested. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Date: 9/21/07

Respectfully submitted,



J. Rodman Steele, Jr.
Registration No. 25,931
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000